

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ROBERT M. BROWN &
MARION V. BROWN,

CASE NO.: 05-35011-LMK

Debtors.

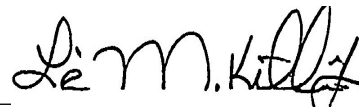
CHAPTER 7

ORDER DENYING DEBTORS' MOTION FOR REHEARING

THIS MATTER came before the Court on the Debtors' Motion for Rehearing, filed on March 9, 2006 (Doc. 42). In their Motion, the Debtors seek a second rehearing of their Motion to Reconsider the Order Granting Primus Automotive Financial Services' Motion for Order Confirming that the Automatic Stay Has Been Terminated ("Order") (Doc. 25). The automatic stay as to the Debtors' 2000 Volkswagen Beetle was terminated as a matter of law under 11 U.S.C. § 362(h)(1)(A) when they failed to timely file (within 30 days of the petition date) the Statement of Intentions required under 11 U.S.C. § 521(a)(2)(A) with respect to the vehicle. The Order was entered at Creditor Primus Automotive Financial Services' request on January 20, 2006, pursuant to 11 U.S.C. § 362(j), which provides that "[o]n the request of a party in interest, the court *shall* issue an order under subsection (c) confirming that the automatic stay has been terminated" (emphasis added). The stay was terminated as to the vehicle, and the Bankruptcy Code required the Court to issue the Order on the Creditor's request. Accordingly, there is nothing for the Court to reconsider and no basis for granting the Debtors' Motion. It is hereby

ORDERED AND ADJUDGED that the Debtors' Motion for Rehearing is DENIED.

DONE AND ORDERED in Tallahassee, Florida, on March 13, 2006.



Lewis M. Killian Jr.
United States Bankruptcy Judge

cc: Robert M. Brown
Marion V. Brown
Mike Cecil
Sherry Chancellor
United States Trustee